

OCT 25 2007

003/006

Application Serial No. 09/846,741

REMARKS

Claims 1-10 are rejected under 35 USC 102(e) as being anticipated by Sheldon (US 6,708,205).

On September 21, 2007, Applicants' attorney conducted a telephonic interview with Examiner Kristie Shingles. Applicants thank Examiner Shingles for the interview. At the interview, Applicants' attorney pointed out that Sheldon was filed on February 14, 2002, and claims the benefit of provisional application No. 60/269,284, which was filed on February 15, 2001. Applicants' application was filed May 1, 2001: after the filing date of the provisional, but before the filing date of Sheldon. Thus, Sheldon can only be prior art to the present application to the extent that it is supported by the provisional application. MPEP 706.02(f)(1) I.(B).

The Examiner cites Sheldon for the disclosure of a system for capturing electronic receipts from electronic mail that the Examiner posits anticipate the limitations in claims 1-10. However, as Applicants' attorney noted in the interview with Examiner Shingles, this disclosure is not present in or supported by the provisional application. The provisional application does not include the language in Sheldon at column 24, lines 10-65 and at column 25, lines 16-38 that the Examiner cites for disclosure of extracting commercial data for creating receipts and/or reports. Furthermore, the provisional application does not contain similar language or disclosure of similar features. Thus, the provisional application does not properly support the subject matter used to make the rejection as required by MPEP 706.02(f)(1) I.(B).

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Because Sheldon by itself is not prior art, Applicants respectfully request that the Examiner either withdraw the rejection or cite to a disclosure of anticipatory subject matter in the provisional application. As Applicants believe the provisional contains no such material, Applicants posit that this application is in allowable condition. If the Examiner has any questions, she is invited to please contact Applicants' agent at (650) 474-8400.

Respectfully submitted,



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